

Judge John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff, v. JOSE ALFREDO MALDONADO-RAMIREZ, et al., Defendants.	NO. CR21-174 JCC [PROPOSED] PROTECTIVE ORDER
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This matter comes before the Court on the United States' Motion for a Protective Order regarding discovery materials, as permitted by Fed. R. Crim. P. 16(d). Having considered the record and files herein, the Court finds there is good cause to grant the motion, and hence:

IT IS HEREBY ORDERED that the discovery materials discussed in the Motion for a Protective Order and referred to therein as “Protected Material,” marked specially as “Protected Material,” may be produced to counsel for the defendants in this case.

IT IS FURTHER ORDERED that possession of Protected Material is limited to the attorneys of record in this case and their staff, and to any investigators, expert witnesses, and other agents the attorneys of record retained in connection with this case. The attorneys of record, and their investigators, expert witnesses, and other agents can review Protected Material with the defendants. The defendants can inspect and review Protected Material, but

1 shall not be allowed to possess, photograph, or record Protected Material or otherwise retain
 2 Protected Material or copies thereof.

3 IT IS FURTHER ORDERED that defense counsel shall not provide Protected
 4 Material or copies thereof to any other person outside his or her law office, including the
 5 defendants or their family or associates. A defendant residing at the Federal Detention
 6 Center (FDC) is permitted to review the Protected Material, consistent with the regulations
 7 established by the Bureau of Prisons, with or without counsel in a controlled environment at
 8 the FDC, but is prohibited from printing out, copying, or disseminating the discovery.
 9 Defendants on pretrial release are permitted to review the Protected Material at the offices of
 10 their counsel, but are prohibited from printing out, copying, or disseminating the discovery.

11 IT IS HEREBY FURTHER ORDERED that the defendants, defense counsel, and
 12 others to whom disclosure of the content of the Protected Material may be necessary to assist
 13 with the preparation of the defense, shall not disclose the Protected Material or its contents,
 14 other than as necessary for the preparation of defenses at trial and in subsequent appellate
 15 proceedings, if necessary. Specifically, the attorneys of record and members of the defense
 16 team acknowledge that providing copies of the Protected Material to the defendants and
 17 other persons is prohibited, and agree not to duplicate or provide copies of the Protected
 18 Material to the defendants and other persons. This order does not limit employees of the
 19 United States Attorney's Office for the Western District of Washington from disclosing the
 20 Protected Material to members of the United States Attorney's Office, federal law
 21 enforcement agencies, the Court, or witnesses in order to pursue other investigations or the
 22 prosecution in this case. Nor does it limit employees of the United States Attorney's Office
 23 for the Western District of Washington from disclosing the Protected Material to the defense
 24 as necessary to comply with the government's discovery obligations.

25 Nothing in this Protective Order prohibits each defense counsel from showing the
 26 Protected Material, or reviewing its contents, with his or her respective defendant or with
 27 others to whom disclosure may be necessary to assist with the preparation of the defense at
 28 trial and in subsequent appellate proceedings, if necessary.

1 IT IS FURTHER ORDERED that if counsel for any party finds it necessary to file
2 any documents marked as Protected Material, the material shall be filed under seal with the
3 Court.

4 Nothing in this Order shall prevent any party from seeking modification of this
5 Protective Order or from objecting to discovery that it believes to be otherwise improper.
6 The parties agree that in the event that compliance with this Order makes it difficult for
7 defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an
8 unworkable burden on counsel, defense counsel shall bring any concerns about the terms of
9 the Order to the attention of the government. The parties shall then meet and confer with the
10 intention of finding a mutually acceptable solution. In the event that the parties cannot reach
11 such a solution, defense counsel shall have the right to bring any concerns about the scope or
12 terms of the Order to the attention of the Court by way of a motion.

13 Nothing in this Order should be construed as imposing any discovery obligations on
14 the government that are different from those imposed by case law and Rule 16 of the Federal
15 Rules of Criminal Procedure. The failure to designate any materials as provided in
16 paragraph 2, above, shall not constitute a waiver of a party's assertion that the materials are
17 covered by this Protective Order.

18 This Protective Order does not constitute a ruling on the question of whether any
19 particular material is properly discoverable or admissible and does not constitute any ruling
20 on any potential objection to the discoverability of any material.

21 IT IS FURTHER ORDERED that at the conclusion of the case, the Protected Material
22 shall be returned to the United States, or destroyed, or otherwise stored in a manner to ensure
23 that it is not subsequently duplicated or disseminated in violation of this Protective Order.

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1 The Clerk of the Court is directed to provide a filed copy of this Protective Order to
2 all counsel of record.

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4 DATED this 14th day of January, 2022.

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1 HON. JOHN C. COUGHENOUR
2 United States District Judge

3 Presented by:

4 s/ Benjamin T. Diggs
5 BENJAMIN T. DIGGS
6 Assistant United States Attorney